FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Pramod Datta. The Petitioner requests relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet and 8 feet in lieu of the minimum required 25 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Jitender K. Datta. There were no Protestants.

Testimony indicated that the subject property, known as 6410 Walnut Street, consists of 0.13 acres, zoned D.R. 16 and is improved with a single family dwelling. Said property is located within the subdivision known as Broadacres which was developed with 25-foot wide lots. Testimony indicated that the Petitioner purchased the subject property, a "double lot" consisting of Lots 96 through 99, in approximately February 1993. At that time, Lots 98 and 99 of the property were improved with a dwelling in very poor condition. The Petitioner totally renovated the dwelling and plans to either sell or rent the property. The Petitioner also seeks to develop adjoining Lots 96 and 97 with a single family dwelling. Testimony indicated that the property's zoning classification permits its development with townhouse dwelling units. However, the Petitioner proposes instead to subdivide the property in accordance with Petitioner's Exhibit 1 and construct a single family dwelling thereon. Due to the narrow width of the lots in question, the requested variances are necessary in order to develop the property as proposed. Testimony indicated the Petitioner has spoken with the adjoining property owners who are very happy with the improvements made to the subject site and have no objections to the relief requested for either the existing or proposed dwelling.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted. such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or struc-

ture which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the relief requested is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 33-day of June, 1993 that the Petition for Variance requesting relief from Section 1802.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet and 8 feet in lieu of the minimum required 25 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) In accordance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated June 9, 1993, a 25-foot buffer from the centerline of the stream to the rear of the subject property must be maintained.

> 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

EIVED FOR FILLI

TMK:bis

Deputy Zoning Commissioner for Baltimore County

to the Zoning Commissioner of Baltimore County for the property located at 6410 WALNUT STREET which is presently zoned D.R. 16

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1

To allow side yard setback of 10 ft. and 8 ft.

in lieu of the minimum required 25 ft, each. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

THE EXISTING PROPERTY IS D.R. 16, ITS WIDTH IS 100' AND THERE IS EXISTING DWELLING AS SHOWN ON THE PLAT. WITH THESE PARAMETERS IT IS NOT PRACTICLE TO USE IT AS TOWN HOUSES. WE REQUEST THAT WE SHOULD BE ALLOWED TO SUB DIVIDE IT AS TWO INDIVIDUAL HOUSES.

AND	THE	REQU	IREME	NT O	F 25'	ĀS	SIDE	YARD	BĒ :	REDUC	ED TO	10'	•
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Zoning Description - 3 copies ZONING DESCRIPTION FOR ____6410 WALNUT STREET, BALTIMORE, MD 21207 Election District 2 (street on which property fronts) (number of feet of right-of way width) wide at a distance of (number of feet) (north, south, east or west) nearest improved intersecting street WOODLAWN DRIVE (name of street) wide. *Being Lot # 98 & 99 (number of feet of right-of-way width) ____, Section #_____ as recorded in Baltimore County Plat (name of subdivision) Book # W.P.C. NO. 5-44 , Polio #_ 5840 s.f. & 0.13 Acres (square feet and acres)

Pramod Datta Location of property: 6410 Wolant ST., MEIS, 1651 SE/ Wood lown Da Location of Signer Freing rood way on property to be now &

CERTIFICATE OF PUBLICATION

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

June 23, 1993

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. Pramod Datta 7820 Main Falls Circle Baltimore, Maryland 21228

RE: PETITION FOR VARIANCE NE/S Walnut Street, 165' N of Woodlawn Drive (6410 Walnut Street) 2nd Election District - 2nd Councilmanic District Pramod Datta ~ Petitioner Case No. 93-402-A

Dear Mr. Datta:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Very truly yours, Mu thy Kotroco TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

cc: Mr. Jitender K. Datta 3601-1/2 Milford Mill Road, Baltimore, Md. 21244

People's Counsel

Zoning Administration & Development Management Date 5-14-93 Taken in by : Il Pramod Datta 6410 Walnut ST.

111 West Chesapeake Avenue Towson, MD 2120+



111 West Chesapeake Avenue

(410) 887-3353

Towson, MD 21204

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general

public/neighboring property owners relative to property which is the subject

of an upcoming zoning hearing. For those petitions which require a public hear-

ing, this notice is accomplished by posting a sign on the property and placement

of a notice in at least one newspaper of general circulation in the County.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

BALTIMORE, MD. 21249

	ADNOTO LABYON DEDECTOR
For newspaper advertising:	ARNOLD JABLON, DIRECTOR
Case No.: Item No.:/_	<u>/_</u>
Petitioner:	
LOCATION:	
PLEASE FORWARD ADVERTISING BILL TO:	77 d

ADDRESS: 3601 2 MICFORD MICL ROAD

PHONE NUMBER: (410) 521-5000

AJ:ggs (Revised 3/29/93)

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesspeaks Avenue in Townon, Haryland 21204

Room 118, Old Courthouse, 400 Weshington Avenue, Touson, Maryland 21204 as follows:

Baltimore County Government

Office of Zoning Administration

and Development Management

CASE NUMBER: 93-402-à (Item 411) 6410 Walnut Street ME/S Walnut Street, 165' SE of Woodlawn Drive 2nd Election District - 2nd Councilesnic Petitioner(s): Pramod Datta HEARING: HEIMESDAY, JUNE 16, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow side yard methods of 10 feet and 8 feet in lieu of the minimum required 25 feet each.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEARE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

5-20-93 Re: Baltimore County
Item No.: \$\psi 4/1 (\int J5)\$

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief **Engineering Access Permits**

My telephone number is _____ Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development -Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

DATE: June 3, 1993

SUBJECT: 6410 Walnut Street

INFORMATION: Item Number:

411

Property Size:

Requested Action:

Zoning:

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

PK/JL:lw

411.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

June 9, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

TO: PUTUXENT PUBLISHING COMPANY

Please foward billing to:

3602-1/2 Milford Mill Road

Baltimore, Maryland 21244

CASE NUMBER: 93-402-A (Item 411)

Petitioner(s): Pramod Datta

NE/S Walnut Street, 165' SE of Woodlawn Drive

HEARING: WEDNESDAY, JUNE 16, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

2nd Election District - 2nd Councilmanic

ZONING CONNISSIONER FOR BALTIMORE COUNTY

6410 Walnut Street

LAWRENCE E. SCHRITDT

(410) 521-5000

5/27/93 Issue - Jeffersonian

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

County will hold a public hearing on the property identified herein in

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Variance to allow side yard setback of 10 feet and 8 feet in lieu of the minimum required 25 feet each.

J. Lawrence Pilson

SUBJECT: Zoning Item #411, Datta Property 6410 Walnut Street Zoning Advisory Committee Meeting of May 24, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

A Buffer of 25 feet must be applied from the center of the stream located to the rear of this parcel of land.

DATA2/TXTSBP

. . . .

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

June 11, 1993

Mr. Pramod Datta 7820 Main Falls Circle Baltimore, MD 21228

> RE: Case No. 93-402-A. Item No. 411 Petitioner: Pramod Datta Petition for Variance

Dear Mr. Datta:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the patitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 14, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARY AND

INTER-OFFICE CORRESPONDENCE

Zoning Advisory Committee

May 26, 1993 Captain Jerry Pfeifer Fire Department

Comments for 06/01/93 Meeting

Item 371 No Comments Item 406 No Comments

Item 407 No Comments No Comments

Item 409 No Comments Building shall be built in accordance with Item 410

the 1991 Life Safety Code. Item 411 No Comments

Item 412 No Comments

Item 413 No Comments Item 415

If the building the canopy is attached to is sprinklered and the area under the canopy is to be used for storage, then the canopy would have to be sprinklered.

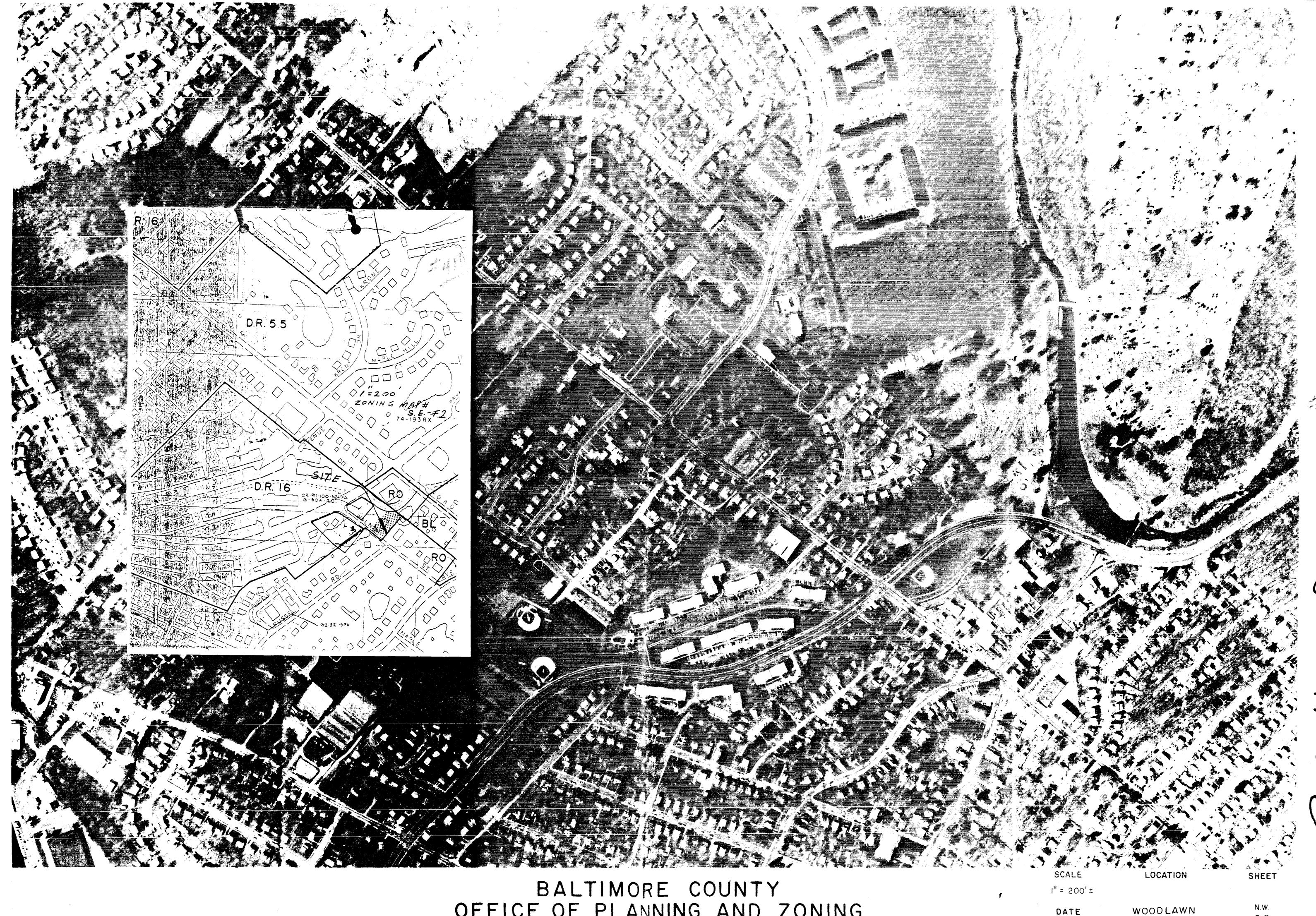
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PETITIONER'S
EXHIBIT



PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401

OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

DATE OF PHOTOGRAPHY JANUARY 1986 WOODLAWN